

Randall S. Wayland
Corning Incorporated
SP-TI-3-1
Corning, NY 14831

 waylandrs@corning.com
 607-974-0463
 607-974-3848

To: Examiner Jason M. Greene
Group Art Unit 1724

RECEIVED
CENTRAL FAX CENTER

AUG 25 2005

Fax #: 703-872-9306

Phone # 571-272-1157

Date: August 25, 2005

Pages: 3 (including cover)

Re: SN 10/606,708 filed 6/26/03

 **CORNING**
Discovering Beyond Imagination

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

If not receiving properly, please notify Chris Watters (607) 974-2329

Please see the attached Examiner Interview Summary

Randall S. Wayland

CONFIDENTIAL AND PRIVILEGED NOTICE

The information contained in this facsimile is intended for the named recipient(s) only. It may contain **PRIVILEGED** or **CONFIDENTIAL** matter. If you receive this facsimile in error, please notify us immediately and we will arrange the return of this document to us. Please do not review this document or disclose its contents to anyone. Thank you.

Appl. No.: 10/606,708
File Date: 6/26/2003
Examiner Interview Summary: 8/24/05

RECEIVED
CENTRAL FAX CENTER

AUG 25 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/606,708
Applicant : Douglas M. Beall, et al.
Filed : 6/26/02
Title : Magnesium Aluminum Silicate Structures
for DPF Applications
TC/A.U. : 1724
Examiner : Jason M. Greene
Docket No. : SP02-146

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner Interview Summary

Sir:

In order to document the substance of the interview between the Examiner and the Applicant's Attorney, the following interview summary is provided.

Participants:

Examiner:	Jason M. Greene
Applicant's Representative:	Randall Wayland

Type of Interview: Telephonic

Exhibit Shown or Demonstrated: None

Background:

Examiner called Applicant's attorney on or about August 5, 2005 to discuss possible insertion of a limitation in claim 23 which would, in Examiner's opinion, place the case in a condition for allowance. Applicant's attorney called Examiner on August 24, 2005 to discuss the amendment.

Rejections Discussed:

- (1) The rejection of claim 23 based on obviousness under 103(a) over US 6,087,281 (Beall) in view of US 2002/000445 (Merkel) was discussed.

Claims Discussed:

- (1) Claim 23

Appl. No.: 10/606,708
File Date: 6/26/2003
Examiner Interview Summary: 8/24/05

Prior Art References Discussed:

- (1) US 2002/0004445
- (2) US 6,087,281

Substance of Interview:

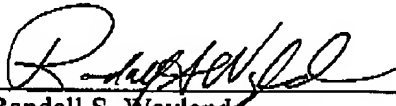
Examiner had put forth that if Applicant was willing to add to claim 23 the limitation that the "median pore diameter, d50, is less than 15" that claim 23 would be allowable. In particular, Examiner expressed the opinion that US 2002/000445 (Beall) taught the use of magnesium oxide as a batch material and referred to Table A. Examiner indicated that he believed that Beall taught the equivalency of talc and MgO.

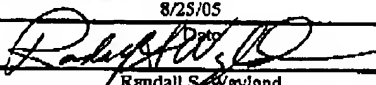
Applicant's attorney pointed out that Beall did not teach or suggest that MgO should be used at all. Instead all examples in Beall refer to the use of talc instead of MgO. All discussion in Beall refers to talc. Nowhere in Beall does it teach or suggest that MgO should be used in place of talc. Applicants pointed out that Table A was simply a table of Raw Material Properties. Applicants attorney further pointed out that at best, this was an obviousness to try situation, with no assurance that the claimed properties of low dfactor, low soot permeability, and low CTE would obtain. Quite simply, there is no concomitant suggestion in the art that would motivate one of ordinary skill in the art to modify US 6,087,281 to arrive at the invention claimed in claim 23. Examiner should note that in order to sustain an obviousness rejection, the suggestion must be "clear and particular." No such clear and particular suggestion is found in Beall.

Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,

Date: August 25, 2005


Randall S. Wayland
Attorney for Assignee
Reg. No. 36,303
Corning Incorporated
SP-TI-03-1
Corning, NY 14831

<p><u>CERTIFICATE OF TRANSMISSION</u> <u>UNDER 37 C.F.R. § 1.8</u> I hereby certify that this paper and any papers referred to herein are being transmitted by facsimile to the Commissioner for Patents at 703-872-9306 on: 8/25/05  Randall S. Wayland</p>
